

of total cooperation between the Justice Department and those seeking a merger. Because if there is a violation, there should not be a merger. In any case, the determination should not hinge on how cleverly the parties involved kept the facts from the Justice Department.

I offer these as suggestions to my friends of the new Congress, some of whom may read these remarks. My experience in attempting to convince the Justice Department to move forcibly to delay the Signal-Burmah merger makes me believe that there is an important contribution to be made in antitrust legislation by Members of the 94th Congress.

The SPEAKER. The question is on the motion is offered by the gentleman from New Jersey (Mr. RODINO) that the House suspend the rules and pass the bill S. 782, as amended.

The question was taken.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to the provisions of clause 3(b) of rule XXVII and the prior announcement of the Chair, further proceedings on this motion will be postponed.

Does the gentleman from Iowa withdraw his point of order that a quorum is not present?

Mr. GROSS. Yes, I do, Mr. Speaker.

GENERAL LEAVE

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on the bill under consideration.

The SPEAKER. Is there objection to the request of the gentleman from Ohio? There was no objection.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO MEET WHILE HOUSE IS IN SESSION

Mr. RODINO. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may be permitted to sit while the House is in session for reading of the bills under the 5-minute rule so the committee may conduct hearings on the Vice Presidential nomination.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

AMENDING THE COMMUNICATIONS ACT OF 1934 WITH RESPECT TO THE PERIOD OF LIMITATIONS ON CERTAIN PROCEEDINGS BY OR AGAINST COMMUNICATIONS CARRIERS

Mr. STAGGERS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1227) to amend section 415 of the Communications Act of 1934, as amended, to provide for a 2-year period of limitations in proceedings against carriers for the recovery of overcharges or damages not based on overcharges.

The Clerk read as follows:

S. 1227

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsections (a), (b), and (c) of section 415 of the Communications Act of 1934, as amended (47 U.S.C. 415), are amended to read as follows:

"(a) All actions at law by carriers for recovery of their lawful charges, or any part thereof, shall be begun, within two years from the time the cause of action accrues, and not after.

"(b) All complaints against carriers for the recovery of damages not based on overcharges shall be filed with the Commission within two years from the time the cause of action accrues, and not after, subject to subsection (d) of this section.

"(c) For recovery of overcharges action at law shall be begun or complaint filed with the Commission against carriers within two years from the time the cause of action accrues, and not after, subject to subsection (d) of this section, except that if claim for the overcharge has been presented in writing to the carrier within the two-year period of limitation said period shall be extended to include two years from the time notice in writing is given by the carrier to the claimant of disallowance of the claim, or any part or parts thereof, specified in the notice."

Mr. STAGGERS. Mr. Speaker, S. 1227 amends the Communications Act to extend from 1 to 2 years the period during which proceedings may be brought against communications common carriers—telephone and telegraph companies—for overcharges or for damages not based on overcharges. The bill also grants the same extension of time for actions by communications common carriers to recover their lawful charges.

"Overcharges" are charges for services by a telephone company or a telegraph company which are in excess of the charges for the service which are set forth in tariffs which are on file with the FCC.

"Damages not based on overcharges" are amounts recovered from charges for services of a telephone or telegraph company which, even though they are included in a tariff on file with the FCC, are unjust, unreasonable, or unduly discriminatory.

Section 415 of the Communications Act requires that proceedings against communications common carriers for recovery of overcharges and damages not based on overcharges must be commenced within 1 year. Similarly actions by such carriers for recovery of their lawful charges must be brought within 1 year.

When the Communications Act was enacted into law in 1934, the 1 year limitation on proceedings to recover overcharges and damages not based on overcharges of telephone and telegraph companies was reasonable. Most interstate communications were either telegrams or long distance telephone calls. Charges for these services were easy to determine.

Today, however, many organizations use complex private line networks over extended periods of time. For example, complex interstate communications networks are used to tie computers together. To compute proper charges for these services is complicated and time consuming. The FCC reports that some large

industrial users of communications common carriers have been prevented from making substantial claims for overcharges because of the 1 year period of limitations.

The same considerations apply to complaints for damages not based on overcharges. It is believed that extending the period of limitation to 2 years will correct this problem.

As a matter of fairness the 1-year period of limitations on actions by communications common carriers to recover their lawful charges is also increased to 2 years. This will also avoid problems where setoffs or counterclaims are involved in proceedings between a communications common carrier and its customers for overcharges or damages.

The FCC has requested enactment of this legislation.

The SPEAKER. Is a second demanded?

If not, the question is on the motion offered by the gentleman from West Virginia (Mr. STAGGERS) that the House suspend the rules and pass the Senate bill S. 1227.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

AMENDING THE COMMUNICATIONS ACT OF 1934 WITH RESPECT TO NOTICE OF CERTAIN APPLICATIONS FILED BY COMMUNICATIONS CARRIERS

Mr. STAGGERS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1479) to amend subsection (b) of section 214 and subsection (c) (1) of section 222 of the Communications Act of 1934, as amended, in order to designate the Secretary of Defense (rather than the Secretaries of the Army and the Navy) as the person entitled to receive official notice of the filing of certain applications in the common carrier service and to provide notice to the Secretary of State where under section 214 applications involve service to foreign points.

The Clerk read as follows:

S. 1479

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 214 of the Communications Act of 1934, as amended (47 U.S.C. 214(b)), is amended by deleting from the first sentence thereof "the Secretary of the Army, the Secretary of the Navy," and inserting in lieu thereof "the Secretary of Defense, the Secretary of State (with respect to such applications involving service to foreign points)."

Sec. 2. That subsection (c) (1) of section 222 of the Communications Act of 1934, as amended, is amended by deleting from the first sentence thereof "the Secretary of the Army," and "the Secretary of the Navy," and inserting in lieu thereof "the Secretary of Defense," immediately after "Secretary of State," in such sentence.

The SPEAKER. Is a second demanded?

Mr. GROSS. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. STAGGERS. Mr. Speaker, S. 1479 amends the Communications Act to designate the Secretary of Defense—instead of the Secretaries of the Army and the Navy—to receive notice of certain applications filed with the FCC by telephone and telegraph companies and other communications common carriers.

In addition, the bill would provide that the Secretary of State receive notice of such applications which involve service to foreign points.

When a communications common carrier such as a telephone or telegraph company wishes to extend its lines or to discontinue or curtail its services, it must file an application with the FCC for permission to do so. Section 214(b) of the Communications Act provides that among those entitled to receive official notice of the filing of such an application are the Secretary of the Army and the Secretary of the Navy. A similar provision for official service is contained in section 222(c)(1), in cases of consolidations and mergers of telegraph companies.

Limiting notice of these applications to the Secretary of Defense would avoid unnecessary paperwork without affecting the transmission of necessary information.

The Department of State has indicated that the extension, curtailment, or discontinuance of services of communications common carriers to foreign points may at times have foreign policy implications. Accordingly, the Secretary of State would be added as an official entitled to notice of applications filed with the FCC under section 214(b) of the act.

The FCC has requested enactment of this legislation.

Mr. COLLINS of Texas. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Texas.

Mr. COLLINS of Texas. Mr. Speaker, this bill came up before our committee and was unanimously passed. There was no objection to it. I recommend its passage by this body.

Mr. GROSS. Mr. Speaker, I have no request for time, and I yield back the balance of my time.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia (Mr. STAGGERS) that the House suspend the rules and pass the bill S. 1479.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

AMENDING COMMUNICATIONS ACT OF 1934 WITH RESPECT TO GRANTING RADIO LICENSES IN SAFETY AND SPECIAL AND EXPERIMENTAL RADIO SERVICES TO ALIENS

Mr. STAGGERS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2457) to amend the Communications Act of 1934, as amended, to permit the Federal Communications

Commission to grant radio station licenses in the safety and special and experimental radio services directly to aliens, representatives of aliens, foreign corporations, or domestic corporations with alien officers, directors, or stockholders; and to permit aliens holding such radio station licenses to be licensed as operators.

The Clerk read as follows:

S. 2457

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (1) of section 303 of the Communications Act of 1934, as amended (47 U.S.C. 303 (1)), is amended by deleting paragraphs (2) and (3) and inserting the following:

"(2) Notwithstanding paragraph (1) of this subsection, an individual to whom a radio station is licensed under the provisions of this Act may be issued an operator's license to operate that station.

"(3) In addition to amateur operator licenses which the Commission may issue to aliens pursuant to paragraph (2) of this subsection, and notwithstanding section 301 of this Act and paragraph (1) of this subsection, the Commission may issue authorizations, under such conditions and terms as it may prescribe, to permit an alien licensed by his government as an amateur radio operator to operate his amateur radio station licensed by his government in the United States, its possessions, and the Commonwealth of Puerto Rico provided there is in effect a bilateral agreement between the United States and the alien's government for such operation on a reciprocal basis by United States amateur radio operators. Other provisions of this Act and of the Administrative Procedure Act shall not be applicable to any request or application for or modification, suspension, or cancellation of any such authorization."

SEC. 2. Section 310 of the Communications Act of 1934, as amended (47 U.S.C. 310), is amended by deleting subsection (a), redesignating subsection (b) as subsection (d) and inserting the following new subsections (a), (b), and (c):

"(a) The station license required under this Act shall not be granted to or held by any foreign government or the representative thereof.

"(b) No broadcast or common carrier or aeronautical en route or aeronautical fixed radio station license shall be granted to or held by—

"(1) any alien or the representative of any alien;

"(2) any corporation organized under the laws of any foreign government;

"(3) any corporation of which any officer or director is an alien or of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country, if the Commission finds that the public interest will be served by the refusal or revocation of such license.

"(4) any corporation directly or indirectly controlled by any other corporation of which any officer or more than one-fourth of the directors are aliens, or of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country, if the Commission finds that the public interest will be served by the refusal or revocation of such license.

"(c) In addition to amateur station licenses which the Commission may issue to aliens pursuant to this Act, the Commission may issue authorizations, under such conditions and terms as it may prescribe, to

permit an alien licensed by his government as an amateur radio operator to operate his amateur radio station licensed by his government in the United States, its possessions, and the Commonwealth of Puerto Rico provided there is in effect a bilateral agreement between the United States and the alien's government for such operation on a reciprocal basis by United States amateur radio operators. Other provisions of this Act and of the Administrative Procedure Act shall not be applicable to any request or application for or modification, suspension, or cancellation of any such authorization."

The SPEAKER. Is a second demanded? Mr. WYLIE. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. STAGGERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 2457 amends the Communications Act to authorize the FCC to grant radio station licenses in the Safety and Special Radio Services and the Experimental Radio Services to aliens and corporations with alien officers, directors, or stockholders.

The bill would also authorize aliens, entitled to hold radio station licenses, to receive licenses to operate those stations where such operators licenses are required.

Aliens, alien corporations, and corporations with alien officers or directors would continue to be prohibited from receiving or holding licenses for broadcast, common carrier, or aeronautical fixed or aeronautical en route radio stations.

Section 310 of the Communications Act contains a prohibition against granting most radio station licenses to aliens, representatives of aliens, foreign corporations, or domestic corporations with alien officers, directors, or stockholders. However, many such corporations establish subsidiary corporations which have no alien officers or directors and obtain radio station licenses which they use for the benefit of their parent corporation. This is inequitable to small corporations which do not have the resources to establish subsidiaries and to partnerships and individual entrepreneurs to whom this option is unavailable. Eligibility for a radio license in the Safety and Special or Experimental Radio Services should not depend upon the size or form of a business organization. Direct licensing of aliens in these services is preferable to the current statutory scheme.

During the period from January 1, 1970, through June 30, 1974, the FCC authorized 253 subsidiary corporations to hold such licenses. The parent companies involved include many of the Nation's leading corporations.

S. 2457 would amend the Communications Act to authorize direct licensing of aliens or business organizations which have alien interests in the Safety and Special and Experimental Radio Services.

The Safety and Special Radio Services are primarily concerned with two-way radio communication. This embraces the use of radio for aviation, marine purposes, and industry, business, manufacturing, forest products, petroleum,